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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 3162
INFO AMEMBASSY MOSCOW
USMISSION NATO
USUN NEW YORK 3766

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DELIVER GLEYSTEN (ACDA) 8:30 A.M.

SUBJECT: CCD: OCT 2 CO-CHAIRMEN MEETING - SEABED

1. AT CO-CHAIRMEN MEETING CALLED BY SOVS, ROSHCHIN READ FOLLOWING
TALKING POINTS IN RESPONSE TO US SEABED PROPOSAL OF SEPT 15:
BEGIN QUOTE

A. THE SOVIET SIDE IS SATISFIED TO NOTE US AGREEMENT TO TAKE AS
A BASIS FOR FURTHER NEGOTIATIONS THE SOVIET DRAFT TREATY ON THE
PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER
WEAPONS OF MASS DESTRUCTION ON THE SEA-BED AND THE OCEAN FLOOR.

TAKING INTO ACCOUNT THE STATEMENT BY THE US DELEGATION OF
SEPTEMBER 15, WE CONSIDER ARTICLES III, IV, V, VI AND VII AS WELL
AS PARAGRAPHS I AND 3 OF ARTICLE I AND PARAGRAPH 2 OF ARTICLE II
AS AGREED.

B. THE PRINCIPLE OF MEASURING OF THE OUTER LIMIT OF THE 12-MILE
COASTAL ZONE PROPOSED BY THE AMERICAN SIDE IS UNACCEPTABLE TO US
SINCE IT DOES NOT ACCORD WITH THE 1958 GENEVA CONVENTION ON THE
TERRITORIAL SEA WHICH PROCEEDS FROM THE EXISTENCE OF HISTORICAL
WATERS AND DOES NOT PREJUDICE THE RIGHTS OF STATES TO SUCH
WATERS. IT WOULD BE INAPPROPRIATE TO TAKE ARBITRARILY FROM

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SECTION II OF THE GENEVA CONVENTION ONLY ARTICLES 13 AND 7, AND THE LATTER EVEN NOT IN ITS ENTIRETY. WE, HOWEVER, WILL NOT OBJECT TO THIS ARTICLE OF A SEA-BED TREATY MAKING A REFERENCE TO THE WHOLE OF SECTION II OF THE GENEVA CONVENTION. WE WOULD AGREE ALSO TO A FORMULATION OF A MORE GENERAL NATURE WHICH MIGHT READ AS FOLLOWS:

"FOR THE PURPOSE OF THIS TREATY THE OUTER LIMIT OF THE CONTIGUOUS ZONE REFERRED TO IN ARTICLE I SHALL BE MEASURED IN ACCORDANCE WITH THE PROVISIONS OF THE 1963 GENEVA CONVENTION ON THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE".

IT IS OUR VIEW THAT THIS PROVISION SHOULD SATISFY BOTH SIDES SINCE THE US AND THE USSR ARE PARTIES TO THE ABOVE CONVENTION.

C. THE SOVIET SIDE ACCEPTS THE PARAGRAPHS OF THE PREAMBLE PROPOSED BY THE AMERICAN SIDE SUBJECT TO US AGREEMENT TO INCLUDE A PREAMBULAR PARAGRAPH WHICH MIGHT READ AS FOLLOWS:

"CONVINCED THAT THIS TREATY CONSTITUTES A STEP TOWARDS THE EXCLUSION OF THE SEA-BED, THE OCEAN FLOOR AND THE SUBSOIL THEREOF FROM THE ARMS RACE AND DETERMINED TO CONTINUE NEGOTIATIONS CONCERNING FURTHER MEASURES LEADING TO THIS END".

D. THE SOVIET SIDE DOES NOT OBJECT TO US UNDERSTANDING OF ARTICLE I IN THE SENSE THAT IT DOES NOT PREVENT STATES FROM CONDUCTING PEACEFUL NUCLEAR ACTIVITIES ON THE SEA-BED, AND THAT SELF-PROPELLED SUBMERSIBLES SHOULD BE VIEWED AS ANY OTHER SHIPS AND WOULD NOT BE VIOLATING THE TREATY IF THEY WERE EITHER ANCHORED TO OR RESTING ON THE BOTTOM.

E. THE SOVIET SIDE DOES NOT OBJECT TO THE UNDERSTANDING OF ARTICLE III ON CONTROL AS MEANING THE VERIFICATION SHALL BE IMPLEMENTED WITHOUT INTERFERENCE IN THE ACTIVITIES OF STATES UNDER INTERNATIONAL LAW AND WILL NOT IMPLY EITHER RIGHT OF ACCESS TO SEA-BED INSTALLATIONS OR ANY OBLIGATION TO DISCLOSE ACTIVITIES ON THE SEA-BED WHICH ARE NOT CONTRARY TO THE PURPOSES OF THIS TREATY.

F. THE SOVIET SIDE DOES NOT FIND IT NECESSARY TO INCLUDE PARAGRAPH 2 PROPOSED BY THE AMERICAN SIDE IN ARTICLE I. ARTICLE I PROPOSED BY THE SOVIET UNION DOES NOT PROHIBIT THE EMPLACEMENT OF NUCLEAR WEAPONS IN THE CONTIGUOUS COASTAL ZONE OF OTHER STATES.

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BUT WE CANNOT AGREE TO LEGALIZING SUCH EMPLACEMENT OF NUCLEAR WEAPONS SINCE THIS WOULD BE CONTRARY TO THE SOVIET BASIC POLICY-LINE AIMED AT CONTROLLING THE PROLIFERATION AND USE OF NUCLEAR WEAPONS. WE PROCEED FROM THE SITUATION THAT HAS COME INTO EXISTENCE AND DO NOT INTRODUCE ANY NEW ELEMENTS AS REGARDS THE PROHIBITION OR LEGALIZING OF THE RIGHT TO PLACE NUCLEAR WEAPONS IN OTHER COUNTRIES. END QUOTE

2. RE SOVIET SUGGESTION TO DELETE PARA 2 OF ART I IN US DRAFT, LEONARD COMMENTED THAT, IF THIS CLAUSE NOT INCLUDED, THERE WOULD STILL BE PROBLEM AS POINTED OUT BY SWEDEN IN CASE WHERE COASTAL STATE CLAIMS LESS THAN 12-MILE TERRITORIAL ZONE, I.E. PROBLEM OF COVERAGE OF GAP IN AREA BEYOND 6 OR 9 MILE TERRITORIAL ZONE UP TO 12-MILE CONTIGUOUS ZONE. ROSHCIN SAID THAT UNDER US PROPOSAL, BASED ON CONCEPT OF CONTIGUOUS ZONE, THERE WOULD NOT BE PRACTICAL PROBLEM. CONTIGUOUS ZONE WOULD BE AREA FREE FROM NUCLEAR WEAPONS EXCEPT FOR POSSIBILITY OF NUCLEAR WEAPONS EMPLACED BY COASTAL STATE. LEONARD DOUBTED WHETHER THIS COULD BE CLEARLY READ FROM THE LANGUAGE OF ART I.

3. RE PARA (B) OF SOV STATEMENT, LEONARD ASKED ROSHCIN TO CLARIFY SOV SUGGESTION REGARDING 1958 GENEVA CONVENTION. ROSHCIN SAID THAT SOVS COULD ACCEPT EITHER GENERAL PROVISION AS QUOTED, OR ALTERNATIVELY, COULD ACCEPT INCLUSION OF SPECIFIC REFERENCE TO SECTION II OF GENEVA CONVENTION; HOWEVER, SOVS WOULD PREFER GENERAL PROVISION AS QUOTED IN THEIR PAPER.

4. LEONARD NOTED THAT SOVS APPARENTLY DID NOT CONTEMPLATE MAKING AS STATEMENT ABOUT NOT USING THEIR HISTORICAL WATERS CONTRARY TO PURPOSES OF TREATY. ROSHCIN SAID THIS WAS CORRECT. HE BELIEVED IT WOULD BE MOST UNDESIRABLE TO FOCUS ATTENTION OF COMMITTEE ON POSSIBILITIES THAT WERE COMPLETELY HYPOTHETICAL.

5. ON PROCEDURE, ROSHCIN SAID SOVS WOULD BE READY TABLE TEXT AT EARLIEST POSSIBLE MOMENT, EVEN TOMORROW, FRIDAY, OCTOBER 3. LEONARD SAID THAT THIS WOULD HARDLY BE PRACTICAL. ROSHCIN SAID THAT IN ANY CASE WE SHOULD PLAN TO TABLE COMPLETE TEXT MONDAY OR TUESDAY NEXT WEEK. LEONARD SAID HE WOULD REPORT SOVIET DEMARCHE IMMEDIATELY AND HOPED FOR VERY PROMPT RESPONSE. ROSHCIN REPEATED EXTREME URGENCY OF TABLING SOON, IN VIEW VERY LIMITED TIME AVAILABLE TO CCD AND INCREASING DISSATISFACTION AND IMPATIENCE OF OTHER DELS. HE HOPED US COULD AGREE TO ABOVE "VERY

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FORTHCOMING" SOVIET PROPOSALS SINCE IT WOULD NOT BE POSSIBLE
TO GET RAPID RESPONSE FROM MOSCOW TO STILL FURTHER US COUNTER-
PROPOSALS.

6. RECOMMENDATIONS BY SEPTEL.
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